

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1113

AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 34-30-23 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 23. Liability Connected With Consumption of Food and Beverages

Sec. 1. This chapter does not grant immunity from civil liability with respect to a claim alleging that:

- (1) an adulteration or misbranding of food or a beverage proximately caused the claimed injury, if the adulteration or misbranding relates to a labeling or purity requirement under state or federal law; or
- (2) a knowing and willful violation of federal or state law applicable to the manufacturing, marketing, distribution, labeling, or sale of food or a beverage proximately caused the claimed injury, unless the alleged injury is unrelated to a pregnancy and arises from:
 - (A) weight gain;
 - (B) obesity;
 - (C) a health condition associated with weight gain or obesity; or
 - (D) a generally known condition allegedly:
 - (i) caused by; or

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(ii) likely to result from;

the long term consumption of food or beverages.

Sec. 2. Section 3 of this chapter applies to the following:

- (1) A food or beverage manufacturer.
- (2) A food or beverage distributor.
- (3) A food or beverage carrier.
- (4) A person who stores food or beverages.
- (5) A food or beverage seller.
- (6) A food or beverage marketer.
- (7) A food or beverage advertiser or the advertising medium.
- (8) A person who prepares food or beverages.
- (9) A group or association containing more than one (1) of the persons referred to in subdivisions (1) through (8).

Sec. 3. This section does not apply to weight gain associated with pregnancy. A person or group or association of persons referred to in section 2 of this chapter is immune from civil liability arising from a claim concerning:

- (1) weight gain;
- (2) obesity;
- (3) a health condition associated with weight gain or obesity;
or
- (4) a generally known condition:
 - (A) allegedly caused by; or
 - (B) allegedly likely to result from;

the long term consumption of food or beverages.

SECTION 2. [EFFECTIVE JULY 1, 2006] IC 34-30-23, as added by this act, does not apply to a cause of action that accrues before July 1, 2006.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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